

Legislators Hold Hearing On Part-Time Faculty Conditions: Need for Pay Equity Stressed

by Scott Suneson, CFT Part-Time Faculty Coordinator and instructor in the Los Rios Community College District

Ed. note: A Joint Legislative Audit Hearing on Community College Part-Time Faculty Working Conditions, chaired by Assemblyman Scott Wildman, was held in Sacramento on January 12. Scott Suneson, CFT Part-Time Faculty Coordinator, testified along with representatives from other organizations. A large crowd of supporters was in attendance. An excerpted version of Suneson's testimony is printed below.

One of the most critical issues for community college part-time faculty is equitable pay for the work we do. On a statewide basis, a part-timer teaching in the classroom next door to a full-time instructor teaching the exact same course makes on average 37% of what the full-time instructor is paid. At the same time, we are required to have the same educational qualifications, and of course we are expected to do just as good a job, and rightfully so for our students' sake. But what is wrong with the picture of two teachers doing the same work, having the same qualifications, being expected to provide the same quality of education, and being paid on radically different pay scales for their time? There is a word for that kind of gross pay discrepancy: EXPLOITATION. It is a strong word to use, but when a person is being paid about one third of what another person is being paid for doing the same work, that person is being economically exploited, whether it is intentional or not.

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AFT and Senate Oppose Monitoring of Electronic Communications

At the November, 1999, meeting of the District Shared Governance Council, the District brought forward for discussion what it called "amendments" to the "Policy on Use of District Communications Systems" (section 2.35 of the District's Rules and Regulations.) These "amendments" included a section allowing the administration

The District wanted the group to quickly achieve "consensus" at the November meeting concerning these new "amendments"...

to monitor the activities of individuals using the District's electronic communications systems.

The District wanted the group to quickly achieve "consensus" at the November meeting concerning these new "amendments", as this was necessary before the proposed changes to section 2.35 in District

Rules and Regulations could be taken to the Board of Trustees for their approval. But the Shared Governance Council decided to continue the discussion of the proposed changes to the District Communications Policy at its December meeting. By that time, both the CSM Academic Senate and AFT Local 1493 had strongly protested various aspects of the District-proposed communications policy revisions.

At the request of the Academic Senate of the College of San Mateo, Kate Motoyama, President of the CSM Academic Senate, wrote a 9-page "concept paper" on various issues related to the proposed changes in the District's communications policy entitled "Proposal to Revise Policy on Use of District Communications System: An Academic Senate Perspective." This

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See Concept Paper on Electronic Communications Monitoring, page 8

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the Advocate

San Mateo Community College
Federation of Teachers
AFT Local 1493, AFL-CIO
1700 W. Hillsdale Blvd.
San Mateo, CA 94402
(650) 574-6491

Editor:

Eric Brenner, Skyline, x 4177

Editorial Committee:

Eric Brenner, Skyline, x 4177
Dan Kaplan, x 6491

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THE PRESIDENTS' PERSPECTIVES

Online Issues & Communication Policy Must Be Negotiated

Volunteers Needed for AFT's Technology Task Force

by Katharine Harer and Joaquin Rivera,
AFT 1493 Co-Presidents



PHOTOS BY JEANNE ANGIER

Welcome to the new century! We hope your semester is going well so far. We're looking forward to a productive spring as we enter into full-contract negotiations by late February. We still need your help on our Technology Task Force, the committee which will help forge guidelines and policies around online issues to help us in the development of contract language. This is an essential area of negotiations as our district becomes increasingly wired. Please consider joining this task force if you have an interest in these issues.

We want to remind you that we were able to negotiate dental and medical benefits for domestic partners

during our last round at the table. The District has the procedures in place for those of you who want to take advantage of this new policy. Forms are available at the District Personnel Office. Note that dental benefits may apply to any type of domestic partner, but that medical benefits may only apply to same-sex partners. This distinction is written into the law.

Take a look at the information on the District's proposed communication policy in this issue of the *Advocate*. You'll see that we've received a very strong reply from our lawyers who feel that we have an excellent legal position in opposing the District's proposals. The District Governing Council has put the policy on hold, and students as well as classified employees have expressed their concerns, as has CSM's Academic Senate. The District's legal counsel is in the process of reviewing this very controversial policy.

We'll have more news on these and other issues in future columns. Keep in touch with us.

LETTERS TO THE EDITOR

In *The Advocate* interview with Mr. McGovern (*in the Dec. 1999 issue, ed.*) he said: "In every city in that district (*the San Mateo Union High School District, ed.*) the College Bond did not receive the 2/3rds vote necessary—San Mateo, Foster City, Millbrae, Burlingame, Hillsborough and San Bruno." But Burlingame voters approved Measure A by 67.3% of the vote (Yes: 2,025, No: 983). Mr. McGovern must be putting the monkey on somebody else's back!

Rosalie M. O'Mahony
Mayor, Burlingame, California

Dear Jeanne and Wally,

I'm Leah Tarleton-retired from College of San Mateo 1995.

It's fun to read some familiar names on letters coming from the college, I certainly appreciate what you're doing...but I would like it to be known that I am up here 20 miles from Canada, 2 hours north of Seattle...and there's no way I'll ever be at any of your faculty center festivities. There's nothing like retirement. WOW...

Good luck to you.
Leah Tarleton

THE PART-TIMER VOICE

Part-Timers' Rights Movement Growing Around the State

by Kathleen de Azevedo Feinblum,
AFT Part Time Faculty Coordinator
(650) 358 6889 x 9367
azevedo@pacific.cnhost.com



The part-timer revolution is afoot. Throughout this issue of *The Advocate* are articles about the various goings-on. In this column, I'll provide the highlights.

Flex Presentation

The flex presentation on professionalism with guest speaker Chris Storer was a hit. In spite of the downpour that morning, 23 part-timers and full-timers came dripping wet but in full bloom. Storer said how originally, part-timers were used as night-school instructors for college transfer classes. During the 60's, when colleges strove to be more egalitarian, part-timers added diversity and a fresh perspective to otherwise traditional academia. As time went on, more and more part-timers were hired per teaching assignment, and today, "piecemeal" instruction is the norm. Just the high cost of implementing AB 420 shows the degree of exploitation.

Fellow adjunct instructors at the meeting discussed how the present system prevents them from fulfilling their professional potential. One instructor pointed to the unfairness of the interview process for full-time jobs, and how prospective applicants are often held accountable for not being collegial, not attending meetings and not volunteering for committees when in fact they do not have the extra time. Another instructor who works in the non-academic world in addition to

teaching, said that in spite of how much she loves her students, she is more respected as a professional in the outside world. As a teacher, she has faced so much resistance just trying to tap into resources at school, that she finds it hard to function at her optimal level.

January 12th Hearing

The January 12th Joint Legislative Audit Committee hearing on part-time faculty issues was an inspiring moment in adjunct activism. In short, it proved that our legislators are more hip to part-time inequality than the California Community Colleges' Board of Governors (BOG). By January 10, two days before the hearing, the CFT's Community College Council (CCC) and BOG had failed to reach an agreement on increased funding for part-timers. In spite of the multi-billion-dollar state surplus, our raises have consisted of only a small COLA increase. Tom Nussbaum, the Chancellor of the California Community College system, responded to the impasse by saying that the Community Colleges should be made more "accountable" for the funds they do have.

As part of the January 12 hearing, part-timers testified in front of the Joint Legislative Audit Committee, and related their harrowing horror stories of freeway flying. Many legislators were on our side. At one point, Assemblymember Sarah Reyes, Chair of the Assembly Budget Subcommittee for Education, became so impatient with the apathetic attitude displayed by many of the administrators, that she stood up and "got large and imposing

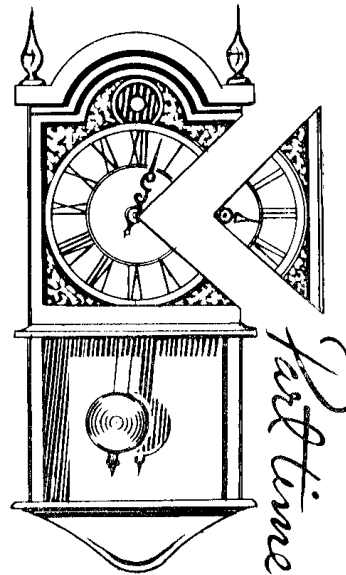
as only a politician knows how" Storer recalled. She gave them a sound lashing, reprimanding them and saying that if they didn't "change their attitude" toward their own instructors, they would never be able to address the chronic exploitation and inequality in their colleges. For more on the Legislative Hearing, please see the testimony by Scott Suneson, CFT Part-Time Faculty Coordinator, on page 1.

Part Timer Equity Week

The Action 2000 Coalition, a group of statewide faculty organizations is working on an all-out effort to make known the part-timer situation. They have declared April 3 - 7, 2000 to be "Part Time Faculty Equity Week" throughout the State of California. This week will be marked by activities on community college campuses that will raise the issues related to the exploitation of part-timers. I'd like to have some activity in the District during the week, but we'll need to do this together. Dan Kaplan and I are trying to set up a meeting to discuss Action 2000 and other possible projects. Please call the AFT office at x6491 to find out the time and date of this meeting. Also, see page 4 for more about the Action 2000 Coalition.

A Call for Quotes

I'd like to write an article for the next *Advocate* addressing the effects of class cancellations on part-timers. I've been hit with several cancelled classes within the last year, but I'd like some quotes/anecdotes from you, too. Questions to consider: How did you manage financially? Were you able to get classes elsewhere? Do you purposely overload your schedule? E-mailed responses are best. Please indicate whether you want to be identified or not. ■



ART BY ALONSO SMITH

Statewide Coalition Organizing for Part-Time Faculty Equity

Action 2000 Coalition Represents All Major Faculty Groups

by Lin Fraser, English and ESL Instructor, Sierra College; Central Calif. CPFA Rep.

The Action 2000 Coalition, a statewide coalition representing the major educational associations and unions, seeks to eliminate the exploitation of approximately 30,000 part-time faculty. At the same time, A2K wants to improve the quality of education offered to the enrollees of California's 107 community colleges, which serve approximately 1/5 of the US students enrolled in 2-year public institutions (1999-2000 Almanac Issue, *The Chronicle of Higher Education*). Representatives in the A2K Coalition come from CCCI (California Community College Independents), CFT (California Federation of Teachers), CPFA (California Part-time Faculty Association), CTA (California Teachers Association), CWA (Communication Workers of America) and FACCC (Faculty Association of California Community Colleges).

Recognizing that past budget constraints restricted immediate implementation of Assembly Bill 1725, the A2K Coalition nonetheless believes that districts are now choosing to balance their budgets on the backs of part-timers rather than moving toward full implementation of AB 1725. The goal of A2K, therefore, is to educate teaching colleagues and the public about how the increasing reliance on part-time faculty is harming our students.

Let's examine a few facts and figures. Signed into law more than a decade ago, Assembly Bill 1725 mandates that in each district, 75% of all classes be taught by full-time faculty and that no more than 25% be taught by part-timers. The reasoning behind this bill is that there would be more faculty accessible to students and available for developing programs and improving existing ones. The 25%

part-time faculty would serve to accommodate enrollment fluctuations or areas with limited courses.

Now note the following information from the State Chancellor's office. Of the 45,000 faculty members teaching in the largest community college system in the world, approximately 30,000 are part-timers. Despite being required to meet the same qualifications as their full-time counterparts, part-timers seldom receive benefits and earn only thirty-seven cents to every full-time faculty dollar (1998 figures). Furthermore, 22% leave the part-timer ranks each year.

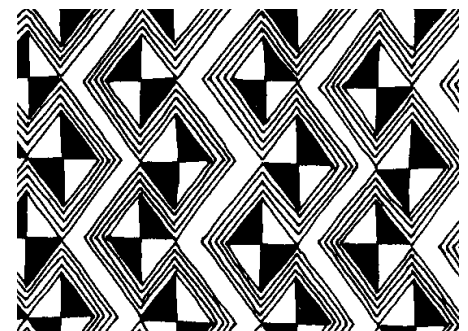
Districts are now choosing to balance their budgets on the backs of part-timers rather than moving toward full implementation of AB 1725.

Additionally, the 1999-2000 Almanac Issue of *The Chronicle of Higher Education* points out that the projected increase of high school graduates over the next ten years in California is +22%. Many of these students will go to California community colleges for either vocational/technical training or for preparation to transfer to 4-year colleges and universities. But if the present part-timer hiring trend continues, what will that mean to California's students?

Part-timers will still have to cobble together full-time incomes by working in multiple districts or by holding down other jobs. This situation leaves little time for the one-on-one student contact needed to help those students with weaker skills. Increased commuting further cuts into time: There will still be less time for lesson plans, grad-

ing, department meetings affecting curriculum development and articulation, continuing professional education, etc. Exhausted part-time instructors racing from campus to campus may still get caught up in traffic and arrive late and will still be more vulnerable to having accidents and stress-related health issues, all of which deprive students of instruction time. The 22% turnover rate will continue because part-timers will still be exhausted and discouraged by no benefits, low pay, and no hope for full-time employment. The end result will be what today's students face: Students needing more attention have to turn to full-time faculty members who may not be available. Why? Consider that in addition to taking care of their own students, developing and improving curriculum, and taking part in school governance, full-time faculty must also take part in the time-consuming hiring process as well as the professional evaluations mandated by AB 1725.

First and foremost, the Action 2000 Coalition urges Governor Davis to support pro rata pay so that those instructors remaining in the part-timer ranks can afford to stay in the profession that they initially and at great sacrifice have dedicated themselves to. Thus far, however, the governor's focus on education has been primarily on K-12. Adding \$50 million to the budget for the Part-timer Equity Fund will further the governor's efforts in raising California's educational standards at all levels. (See article on letter-writing campaign for part-timer equity fund on the next page.) ■



Districts Must Be Required to Improve Full-Time/Part-Time Ratio

by Tom Tyner, CFT Community College Council President

CFT has prepared a report based on Chancellor's Office data showing the change in the full-time/part-time ratio for each district from 1998-99 to 1999-2000. With the \$100 million Partnership for Excellence (PFE) funding in '98-'99 and the encouragement that districts expend part of the money to create more full-time positions and improve the full-time/part-time ratio, there has been much anticipation of improved ratios in every district in the state.

The report, which has been made available to all districts, union locals, and senates, is mixed to say the least. (SMCCCD moderately increased the percentage of full-timers from 59.7% in '98-'99 to 62.5% in '99-2000, ed.) Several districts did make significant improvement, and there was no pattern as to which districts improved: large and small, rural, suburban, and metropolitan, high growth and low growth districts, and those with relatively good ratios and those with poorer ratios. The common thread I assume was the commitment in those districts to create more full-time positions and consequently improve their ratios.

The very troubling results, however, were that in nearly thirty districts, the full-time/part-time ratio got WORSE, which is difficult to conceive given the influx of funding. And again, there was no pattern as to the districts that regressed; they run the gamut like those that improved.

I will draw only one more conclusion from the report, then let you draw your own when you see it. When left to their own devices, some districts will try to improve their full-time/part-

Write Letters in Support of \$50 Million for Part-Timer Equity and a Requirement for Increased Hiring of Full-Time Faculty

If equity for part-time faculty in the community colleges is to be achieved, substantial additional funding must come from the State and be explicitly identified in the system budget as money that is to be used exclusively for improving the salary and working conditions of part-time faculty. To this end, the California Federation of Teachers (CFT), the Faculty Association of California Community Colleges (FACCC), and the California Part-Time Faculty Association (CPFA) are asking legislators to include \$50 million in the Community College budget specifically to fund part-timer equity in the College system. A letter writing campaign is being organized to support this effort. All faculty members are being asked to write to at least one of the committee members listed below:

Here's the message:

Please put \$50 million in the Community College budget to improve part-time faculty, which are currently at 37% of what full-time faculty make, and won't improve appreciably without a budget line item targeted for part-time salaries. The \$50 million represents less than a fifth of the total cost to provide pay equity for part-time faculty.

Also, please insist any Partnership for Excellence (PFE) funding include a requirement that districts below the 75%/25% ratio in law must expend a significant portion of that funding on new full-time faculty positions. Despite \$100 million of PFE funding in 1998-99, 30 districts REGRESSED the next year in their full-time/part-time ratio, indicating that a hiring requirement is essential to ensure that districts make improvement towards the 75/25 obligation. Districts below 60%/40% should expend a minimum of 40% of their PFE funds on new full-time positions, and districts above 60%/40% should expend a minimum of 30% of their PFE funds on new full-time positions.

Send to:

Assembly Higher Education Budget Sub-Committee members: Sarah Reyes (Chair): #5128, Jack Scott: #4146, Scott Wildman: #3091, Bill Leonard: #2175, Robert Pacheco: #4177

Senate Education Budget Sub-Committee Members: Jack O'Connell (Chair): #5035, Adam Schiff: #5080, Jim Brulte: #5087, Joe Dunn: #2068

Addresses for all: Capitol Building (office # listed above), Sacramento 95814

time ratios and reduce their overreliance on part-time faculty positions when funding is provided to do so, and many others will not. That to me speaks clearly to the need for a requirement that when provided the funding (such as PFE) all districts use a portion to create new full-time faculty positions and move their full-time/part-time ratio forward. The \$100 million PFE infusion for '98-'99 simply made no impact on improving the ratio in districts that didn't make it a priority.

It is also clear to me that based on the districts that improved significantly, that if there were a statewide commitment (or requirement), that every district in the state could reach the 75/25 obligation within a maximum of five years (assuming continued available funding). That's very positive. (For example, my own district, State Center, will meet the 75/25 obligation in four years if they continue annually to make the 2.8% improvement they made between '98-'99 and '99-'00.) ■

Legislative Hearing

Continued from page 1

We might also note that the issue of pay inequity is not just a problem between full-time and part-time faculty WITHIN districts, but also manifests itself through incredible discrepancies AMONG districts statewide. The Chancellor's Office data reveal that the lowest average part-time hourly rate translates into a full-time equivalent annual salary of less than \$13,000, with the highest average rate at nearly \$35,000. Moreover, some districts have a flat hourly rate for part-timers, which means that the average and maximum rates are the same. This leads to even greater inter-district discrepancies for those with many years of experience and/or advanced degrees, with these discrepancies not necessarily related to geographical variations in the cost of living. Clearly, the local collective bargaining process has worked fairly well (but by no means perfectly) in a few districts, while it has been an abysmal failure for part-time faculty in most others.

It should be noted that the economic exploitation of community college part-time faculty is a unique situation among state workers. No other state employees can be classified as part-time temporary employees indefinitely, performing the exact same tasks as their full-time permanent counterparts for a fraction of the pay. I am personally acquainted with individuals who have been teaching in the same community college districts on a part-time temporary basis for 10, 20, 30, and even 40 years!

Effect of Pay Disparity

What effect does this stunning pay disparity have on the 30,000 part-time faculty who make up two-thirds of the community college teaching workforce? The fact is that many part-time faculty live a poverty level existence. Part-time faculty working a full-time equivalent load make on average \$22,000 a year. (Note: this is an AVER-

AGE; part-timers in many districts make substantially less, as referenced above). When you subtract the cost of medical and other benefits, which are seldom provided to part-time faculty employees, the average salary is closer to \$15,000 a year. And to make even that much, you have to work in two or more districts, since part-time faculty are limited by law to a 60% maximum load in any one district, with local policies effectively limiting part-time loading to 40% in many districts.

What kind of a life does a \$15,000 annual salary provide for? We all know it has nothing to do with the American dream of owning a home, raising a family, and setting aside something for the future. Many part-time faculty live from month to month, trying to make ends meet and hoping they have a job the next semester. And remember, we are talking about college professors with Master's and Doctor's degrees, people who have done all the

our case is a simple one: we want to be paid fairly for the valuable work we do.

right things: gone to school, gotten their advanced degrees, chosen a worthwhile and valued profession, and yet end up making \$15,000 a year and serving as a cheap labor source for community colleges.

Of course, there are also other effects that the gross underpayment of part-time faculty have: the effect on faculty morale, the effect on full-time/part-time faculty relations, the effect on the quality of education, and the effect on students who see the way in which community colleges treat faculty who don't have full-time jobs.

Equity and Fairness

For part-time faculty, our case is a simple one: we want to be paid fairly for the valuable work we do. We want to be paid as college instructors should

be paid. We want to be paid comparably with the full-time faculty that we work side by side with, teaching the same courses, having the same qualifications and the same legal obligations and authority, and expected to provide the same quality education. We want to be able to earn a livable wage for working the equivalent of a full-time job, and we want our students to know that our community college system is one that treats all faculty employees fairly, and that sets an example for other employers to follow. In short, we want just treatment. We don't believe that is too much to ask.

The Need For Legislative Support

Community college districts have balanced their budgets on the backs of part-time faculty for so long that to do otherwise is going to require a direct infusion of state funding to districts to improve part-time faculty salaries. All faculty organizations within the community colleges have united behind a \$50 million budget proposal for part-time faculty pay equity. We are asking the Assembly and Senate to put the \$50 million for part-time pay equity in their versions of the state budget for 2000. This would be a part of the community college system's share of Prop 98 funds. The \$50 million will provide a significant start in the right direction. The total cost of providing pay equity for part-time faculty has been conservatively figured at around \$250 million. \$50 million a year over a five-year period will go a long way towards providing economic justice for part-time faculty. And given the economic prosperity of California, \$50 million this year and \$250 million over five years is certainly an achievable end. The Legislature can play a very big part in helping to end one of the most serious employee problems in the history of California public education, and we appreciate your support for the \$50 million budget item this year and your longer term commitment to work-

ing with us to put an end once and for all to the devastating two-tiered salary situation in our community colleges that separates full-time and part-time faculty by an economic divide of Grand Canyon proportions.

The Washington State Precedent

There is a strong precedent in addressing the pay inequity problem of part-time faculty through the state budget process. Last year, through the efforts of Washington's Legislature and Governor, their community colleges received \$20 million from the state to be used exclusively to improve part-time faculty salaries. There are clear parallels between the California and Washington situations: Washington's part-time community college faculty averaged 40% of the pay of their full-time counterparts; part-time faculty in California average 37%. Washington is a local collective bargaining state, with local negotiations determining exactly how the \$20 million would be spent to improve part-time faculty salaries in each district. California is likewise a local collective bargaining state, and local negotiations would determine how each of our districts expend their share of the \$50 million for part-time salaries.

In Washington, from the beginning of budget deliberations, both houses of the Legislature and the Governor included in their community college budget proposals direct funding to improve part-time faculty salaries, and we hope to see a parallel situation in California. In Washington, the community college Board of Governors, Chancellor, and a majority of their school districts supported direct funding in the budget for part-time faculty pay equity. In California, we are working hard to get that support, and are confident that our Chancellor and Board are no less concerned about the welfare of our part-time faculty employees than are the Chancellor and Board in Washington. And given the size of Washington's community college sys-

STATE BUDGET

Small Gains For Community Colleges in Governor's Initial Budget Proposal

Governor Gray Davis released his 2000-01 state budget on January 10. Following are the highlights of increases for community colleges:

Total Budget: \$5.7 Billion (6.5 % increase above current year by \$267.1 million)

Prop. 98 Split: 10.36 percent (1999-2000 split was 10.33 percent)

Student Fees: Unchanged at \$11 / unit

Enrollment Growth: 3 percent (\$105.7 million, for an additional 29,500 FTE students)

COLA: 2.84 percent (\$103.1 million for general purpose funds and categorical programs; an increase over the current year COLA of 1.41 percent)

Partnership for Excellence: \$25 million (contingent on the California Community Colleges Board of Governors developing "more [as yet undefined] rigorous and ambitious goals.")

Extended Opportunity Programs and Services (EOPS): \$6 million

Disabled Student Programs and Services (DSPS): \$5.1 million

Puente Program: \$1 million

Telecommunications and Technology Infrastructure Program (TTIP): \$6.3 million

Scheduled Maintenance and Special Repairs: \$10 million

Workforce Development Infrastructure Equipment: \$5 million

Capital Facilities Projects: \$290.2 million

Part-Time Faculty: For the first time in recent history, specific reference was made to community college part-time faculty in the budget. Referring to last year's legislation to expand the state office hours and health benefits programs (AB 420, Wildman), the budget states "the Administration will consider future [increases]" to these benefit programs to maintain the state match based on the demonstrated demand and local bargaining agreements by part-time faculty. The \$50 million requested for part-timer equity, however, was not in the budget. (See article on letter-writing campaign for part-timer equity fund on page 5.)

tem, \$20 million for part-time faculty salary improvement in Washington is akin to \$60 million or \$70 million in California. We are proposing \$50 million. If the pay disparity problem for part-time faculty can be addressed through the state budget process in Washington, it can be done in California, and we believe that is the only way that any real progress is going to be made towards solving the problem.

Conclusion

On behalf of the California Federation of Teachers, thank you for your continuing support of our community

colleges in general, and we ask for your particular support of the \$50 million part-time faculty pay equity line item in the Assembly and Senate's versions of the budget for this year. Without your help, we can make little progress. With your help, we can begin to make a measurable difference in the quality of lives of the 30,000 part-time faculty members of our community colleges, and in the quality of education that we can provide our community college students. ■

(See article on letter-writing campaign for part-timer equity fund on page 5.)

Monitoring Opposed

Continued from page 1

document was then adopted as the CSM Academic Senate position after being unanimously approved by vote of the CSM Academic Senate Governing Council. The CSM Academic Senate has recently discussed and reaffirmed again its support of the analysis contained in Kate Motoyama's "concept paper". Additionally, District Academic Senate President, Pat Deamer, and Skyline Academic Senate Past-President, Bess Chandler, have both, as individuals, indicated strong support for the CSM Academic Senate document.

The Advocate recently asked CSM Academic Senate President Motoyama if she would provide us with an excerpted version of her longer paper. She agreed to our request, and an abbreviated version of her paper is printed below.

Last month AFT Local 1493 presented to the District a letter from our attorney, Robert Bezemek, which argues that the District's proposed changes in their communications policy is negotiable and failure to meet this obligation could result in the filing of an unfair labor practice charge with the Public Employees Relations Board. AFT is waiting for the District response to our letter.

AFT wants to begin negotiations with the District over this issue immediately and hopes that the District agrees to do so.

AFT's letter to the District about Communication Policy may be read in its entirety on The Advocate webpage at: www.smcccd.cc.ca.us/smcccd/faculty/brenner/advo/

CONCEPT PAPER

Proposal to Revise Policy on Use of District Communications System

An Academic Senate Perspective

[A]cademic freedom and privacy rights have been an important feature of the lives of faculty at College of San Mateo (CSM). The American Association of University Professors (AAUP) "1940 Statement of Principles on Academic Freedom and Tenure" asserts:

Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student in learning. It carries with it duties correlative with rights.¹

A similar statement, adopted by the SMCCCD Governing Board, has been included in the CSM Faculty Handbook. . . . The CSM Faculty Handbook also contains the 1987 AAUP "Statement on Professional Ethics," adopted by the Governing Councils of the SMCCCD Academic Senates. The statement obliges faculty to "protect their academic freedom," and goes on to say that faculty members "observe the stated regulations of the institution provided that the regulations do not contravene academic freedom . . . [emphasis added]"² Further, the "Statement on Professional Ethics" concludes in this manner:

As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

In addition to the AAUP Statements and the CSM "Statement on Academic Freedom," the SMCCCD Mission Statement, adopted by the Governing Board in January 1999, reaffirms academic freedom as an a priori right enjoyed by faculty; specifically, it maintains that "the District is

dedicated to maintaining a climate of academic freedom in which a wide variety of viewpoints is cultivated and shared." Also noteworthy is language which validates the practice of collegial consultation: "Shared governance is practiced through processes that are inclusive with regard to information sharing and decision making, and that are respectful of all participants."³

Finally, while the above named documents are silent on the subject of privacy rights, the privacy of communication is important to the functioning of an academic institution. The security of e-mail correspondence between sender and recipient, and protection of student right-to-privacy requirements, are jeopardized when surveillance is authorized in an institution's computer/electronic use policy.

The Proposed Revision

The Proposed Revisions to the Policy on Use of District Communications System recognize three communications systems: "the internal mail system (traditional paper-based communications) and two electronic systems: e-mail with access to the Internet; and the telephone with a voice-mail system."⁴ The policy goes on to say, "These systems exist to facilitate the work of the District."

As observed in the AAUP Statement, we understand our faculty role "carries with it duties correlative with rights;" as such, we understand the SMCCCD communications systems are resources to be used ethically and lawfully to further our work. We construe legitimate uses for education, research, and public service as consistent with "facilitat[ing] the work of the District." By contrast, commercial, illegal, or malicious uses are clearly excluded from the realm of acceptable usage.

It should be cautioned, however, that the generalized notion of "District work" might conceivably be used to restrict or limit access to electronic resources. Access to computing facilities and electronic communication is a valuable resource of the District, but it is equally as great a resource to the faculty member using it for teaching, scholarship, and institutional service.

The Proposed Amendments

A new section in the proposed policy, Section 8, states: "Electronic communications are not private. In the course of network maintenance or monitoring, the activities of individuals using the electronic communications systems may be monitored. The District reserves the right to conduct audits involving employee use of electronic communication systems."

The recognition that electronic communications are not secure (for instance, a reply on a bulletin board or listserver can be inadvertently distributed to all subscribers or backup facilities can contain already-deleted email records) is not license for network and computer operations personnel and system administrators, during the performance of their duties, to view intentionally and/or to disclose the contents of what they have seen. We disagree with the District's right to "conduct audits" of employee use of electronic communication systems and suggest instead the AAUP principle on privacy of electronic communication, which reads, "[T]he general standard of e-mail privacy should be that which is assured to persons who send and receive sealed envelopes through the physical mail system—that envelopes would not be opened by university officials save for exigent conditions (e.g., leaking a noxious substance, indicia of a bomb, etc)."⁵

Moreover, as the Policy on Use of District Communications Systems is being revised, it would be worth stating that the principles of academic

A new section in the proposed policy states: "Electronic communications are not private. In the course of network maintenance or monitoring, the activities of individuals using the electronic communications systems may be monitored."

freedom apply with equal force in face-to-face, electronic, or digital communication. Those principles, articulated above in policies adopted by the SMCCCD, protect academic freedom, privacy rights, and critical inquiry. The District's use of new media and information systems should not alter those transcendent principles.

Position of the Academic Senate

... We recommend two courses of action, in keeping with the recommendations of the ASCCC and the spirit of collegial consultation as articulated in the District Mission Statement.

First, the local Academic Senate be involved, through its Instructional Technologies & Resources Committee, in creating and implementing the guidelines and procedures which deal with possible exceptions to, or violations of, academic freedom as related to use of electronic communications;

Second, that our collective bargaining colleagues (AFT Local 1493) be consulted, through the proposed Committee on Distance Education, to ensure contract language which creates and implements due process that deals with confidentiality, including possible exceptions, safeguards, or limitations. As stated in Article 21 of AFT Local 1493's proposed new contract, part of the purview of this committee includes "... the effect of technology on privacy ..."

The Academic Senate further recommends that, in keeping with the UC Electronic Mail Policy, that the SMCCCD colleges participate in discussions with the District to establish:

- (1) any restriction of use of the District Communication Systems
- (2) authorization, advice, notification, and recourse;
- (3) response to requests for information from users concerning back-up of e-mail;
- (4) any other provisions of the Policy on Use of District Communications Systems for which procedures are not explicitly stated.⁷

We finally recommend that guidelines and procedures for Use of District Communications Systems be made clear to all users, including any exceptions which are felt must be imposed upon the privacy of electronic communications, and that there be appropriate notification procedures concerning the adopted Policy to all users.

FOOTNOTES

1. American Association of University Professors, "1940 Statement on Academic Freedom and Tenure," 1.
2. American Association of University Professors, "1987 Statement on Professional Ethics," in Faculty Handbook 1999-2000, Appendix Q, 95.
3. San Mateo County Community College District, "Mission Statement," Revised January 1999, 1.
4. San Mateo County Community College District, "Proposed Revision to Policy on Use of District Communication Systems," Draft 11/4, 1.
5. American Association of University Professors, "Academic Freedom and Electronic Communications," 4.
6. Proposed Contract Language, AFT Local 1493.
7. University of California, Office of the President, "Electronic Mail Policy," Reissued March 23, 1998, 6.

AFT VIEWPOINT

Local Leadership Present Views on Important Propositions on March 7 Ballot

At the February 9 meeting of AFT Local 1493, members of the Executive Committee discussed the issues that will appear on the March 7 Primary Ballot. This article communicates the views and thinking of the leadership of Local 1493 on many of the key ballot propositions.

Propositions 12, 13, and 14: Parks, Water, and Library Bonds are needed to help repair California's infrastructure. These bond measures will provide improved state parks and recreational areas, safer drinking water, and new library facilities. **YES**

Proposition 20: the Cardenas Textbook Act would mandate that 50% of the increase in public education's share of California State Lottery revenue beyond the 1997-98 level be used to purchase instructional materials for school and community college districts. This measure requires that half of the new funds be used solely for textbooks and instructional materials, which would restrict the freedom of school and community college personnel to determine the highest priority use of these funds. In other words, this proposition would decrease the amount of discretionary money that school and college districts receive. **NO**

Proposition 21: "Juvenile Justice" would send youth to adult courts and adult prisons. Since 1984, California has built 21 new prisons, but only one university campus. Proposition 21 would cost the state more than \$330 million every year and local government more than \$100 million. But it doesn't add a dime for prevention, education, or youth opportunities. **NO**

Proposition 22: Limit on Marriage is unfair, divisive and intrusive. Known as the Knight Initiative, this proposition increases the rhetoric of hate and intolerance, threatens hospital visita-

tion rights, inheritance rights, and introduces government intrusion into private lives and choices. **NO**

Proposition 25: the Unz Campaign Reform contribution limit provisions would apply equally to individuals and political action committees. Thus, in any one race, CFT (and all other labor unions) could only contribute up to the same amount a wealthy individual would be able to contribute, despite the fact that CFT represents thousands of individuals who voluntarily pool donations of \$2 or less per month to support pro-education candidates. Also, the initiative could be interpreted to result in CFT and its affiliates being treated as one entity and limited to making only one \$3,000 contribution in any legislative race, or only \$5,000 in any statewide race. These restrictions would severely limit our ability to financially support the candidates we endorse. At the same time, wealthy candidates could continue under a United States Supreme Court decision (the infamous Buckley ruling) to give unlimited funds to their own campaigns. Finally, this proposition writes into law the soft-money loophole that's been such a problem on the federal level. **NO**

Proposition 26: the Simple Majority on School Bonds/Charter Schools Facilities initiative unfortunately combines two very different issues. More than half of California schools were built at least 30 years ago, and more than 30% of school buildings in California are temporaries. California is one of only seven states that require a two-thirds super -majority to pass local school bonds. This proposition would lower the 2/3 requirement to a simple majority, 50%+1. AFT Local 1493 understands the necessity to lower the 2/3 requirement to a simple majority,

and we strongly support that principle.

But this proposition also requires that all public school districts that grant charters, including charters to private, for-profit schools (which is required for the creation of charter schools) must make available district facilities where those charter schools may operate. This provision in the initiative could undermine the functioning of public schools in California. The CFT initially opposed this proposition because of serious concerns about its charter school provision. But the CFT now urges a Yes vote. However, AFT Local 1493 is making **no recommendation** on Proposition 26 because we still have serious concerns about the impact of the charter school provision on public education.

Proposition 28: the Tobacco Tax Repeal attempts to overturn the 1998 vote of the people of California that approved a 50-cent tobacco tax to help fund children's health and other programs that promote early childhood development in every county. This tobacco industry-sponsored initiative would take \$700 million away from healthcare, prevention, childcare, and other social services. **NO**

The Advocate's New Look for a New Millennium

The Advocate has been redesigned by Alison Wood of Woodland Graphics, along with *Advocate* Editorial Committee members Eric Brenner and Dan Kaplan. Please let us know what you think of our new appearance.

Correction

In the last issue of *The Advocate*, Sondra Saterfield wrote in her Cañada College Report that Acting President Rosa Perez was "the first person of color to ever hold the job of CEO at Cañada." In fact, Dr. Samuel Ferguson, an African American man, was President of Cañada from 1979 to 1981. Rosa Perez is the first woman of color to be Cañada's President.